

Federal Personnel Manual System

FPM Bulletin

Bulletin No. 610- 36

Washington, D. C. 20415
October 14, 1982

SUBJECT: Proposed Regulations on the Alternative Work Schedules Program

Heads of Departments and Independent Establishments:

8 NOV 1982

An Information Notice on Changes to Federal Personnel Regulations Is Attached to This Bulletin

This Notice Must Be Posted in a Prominent Place

1. The Director of the Office of Personnel Management (OPM) is required to take steps to ensure that OPM regulations which apply to individuals or organizations outside OPM are posted in offices of Federal agencies maintaining copies of Federal personnel regulations [5 USC 1103(b)(2)(A)].
2. To carry out this responsibility, OPM issued regulations under Part 110 of 5 CFR which require agencies to (a) make available for review on request the regulatory material which appears as attachment 1 to this bulletin; and (b) complete and post the notice (attachment 2) in a prominent place.
3. Completion of the notice requires insertion of the room number where the regulations are available for review.
4. Individuals who wish to make comments on regulations or notices should address them to the OPM official whose mailing address is listed on the reprint of *Federal Register* material in attachment 1 of this bulletin.
5. The public comment period on proposed regulations begins when they are published in the *Federal Register*, or made available for public inspection at the Office of the Federal Register in Washington, D.C. Sometimes delays in distribution may result in posting notices on proposed regulations being received at agency field offices near the end of the comment period on a regulation. In other cases, the attached posting notice may convey information about a final regulation and no comments will be sought. **In either case, the attached notice must still be posted. The purpose of the material is to provide notice rather than to solicit comment.**
6. There is no maximum number of days which the attached notice must remain posted; each agency or office is free to make this determination. However, we suggest 10 working days as a minimum. The basic requirement is that there be sufficient opportunity for interested individuals to receive adequate notice of changes in the Federal personnel regulations.



Donald J. Devine
Director

Attachments (2)

Inquiries: Compensation, Office of Pay and Benefits Policy, Benefits Analysis Division, (202)632-4614 or (202)632-4682

Code: 610, Hours of Duty

Distribution: FPM

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Proposed Rules

Federal Register

Vol. 47, No. 181

Friday, September 17, 1982

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Parts 610, 620, and 630

Hours of Duty; Alternative Work Schedules

AGENCY: Office of Personnel
Management.

ACTION: Proposed rulemaking, with
request for comments.

SUMMARY: The Congress has passed legislation authorizing the Alternative Work Schedules (AWS) program for another three years. Public Law 95-390, the Federal Employees Flexible and Compressed Work Schedules Act of 1978, previously providing for the AWS experimental program, has been replaced by this non-experimental three-year program. The proposed regulations are similar to the regulations covering Pub. L. 95-390, containing only a few technical changes, and will provide necessary direction to the agencies for administration of this law.

DATE: Comments must be received on or before November 16, 1982.

ADDRESS: Comments may be mailed to Mr. Craig B. Pettibone, Assistant Director for Pay and Benefits Policy, P.O. Box 57, Compensation Group, Office of Personnel Management, Washington, D.C. 20044, or delivered to Room 4351, Office of Personnel Management, 1800 E Street, N.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT:
Dr. Raymond J. Kirk, (202) 632-4614.

SUPPLEMENTARY INFORMATION: The three-year experimental program for alternative work schedules, authorized by Pub. L. 95-390, has been replaced by Pub. L. 97-221, the Federal Employees Flexible and Compressed Work Schedules Act of 1982, continuing the alternative work schedules program for another three years from date of enactment of the law. The legislation continues existing flexible and

compressed work schedules uninterrupted, unless stated provisions for termination have been met, and also permits the establishment of new programs. The types of schedules permitted have not changed, so agencies will not have to redesign or revise successful existing programs.

There are several technical and substantive changes in the AWS program as a result of the enactment of Pub. L. 97-221.

(1) Under the proposed regulations, Part 620 of Title 5, Code of Federal Regulations, will be removed and Part 610 will be amended to include a subpart D-Alternative Work Schedules.

(2) Public Law 97-221 increases the maximum credit hour carryover from one pay period to another from 10 hours to 24 hours. An agency may prescribe lower limits within its organization than the maximum allowed by law.

(3) The basic work requirement for part-time employees on an AWS program has been changed to a biweekly requirement of 32-64 hours from a weekly work requirement of 16-32 hours, thereby allowing part-time employees to work compressed and certain flexible schedules from which they were previously excluded under Section 3401(2) of 5 U.S.C.

(4) The method of determining entitlement of pay for part-time employees when relieved or prevented from working on a holiday has been changed based on findings from administration of the procedures in Pub. L. 95-390 regulations. The regulations implementing Pub. L. 95-390 required dividing the number of hours the employee was scheduled to work over the biweekly pay period by the number of days which comprised the employee's tour of duty to determine the pay entitlement for the holiday. Under the proposed regulations, a part-time employee will now be entitled to the number of hours for which he or she is scheduled to work on that day, up to a maximum of 8 hours, the number of hours for which a full-time employee is entitled.

(5) Public Law 97-221 changes the definition of part-time employment. Part-time employees under an alternative work schedule may work fewer than 16 or more than 32 hours in a week so long as they work 32 to 64

hours in a biweekly period. Therefore, the requirement that part-time employees be scheduled to work on at least one day each week in order to accrue leave is no longer applicable under alternative work schedules. Under the proposed regulations, part-time employees whose alternative work schedules have biweekly rather than daily or weekly work requirements will be entitled to accrue leave even though they may not be scheduled to work in one of the weeks of a pay period.

(6) The 10-hour limit on the accrual of compensatory time for both wage grade and General Schedule employees, stipulated in the regulations under Pub. L. 95-390, has been eliminated. The change was made because OPM found in administering programs provided for under Pub. L. 95-390 that the 10-hour limit was an unnecessary and inhibiting protection against abuse for both agencies and employees. Agencies and individual employees wishing to structure workload accomplishment most efficiently frequently were stymied by the 10-hour limit. Any limit on accrual of compensatory time is left to the discretion of the agency.

E.O. 12291, Federal Regulation

OPM has determined that this is not a major rule as defined under Section 1(b) of E.O. 12291, Federal Regulation.

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities because the regulation concerns the pay and hours of duty of Federal employees only.

List of Subjects in 5 CFR Part 610

Government employees, Holidays, Wages.

Office of Personnel Management,
Donald J. Devine,
Director.

Accordingly, the Office of Personnel Management proposes to amend Title 5 of the Code of Federal Regulations as follows:

PART 610—HOURS OF DUTY

1. Subpart D, §§ 610.401 through 610.408, is added to read as follows:

Subpart D—Flexible and Compressed Work Schedules

Sec.

610.401 General.

610.402 Coverage.

610.403 Definitions.

610.404 Requirement for time-accounting method.

610.405 Holiday for part-time employees on flexible work schedules.

610.406 Holiday for employees on compressed work schedules.

610.407 Premium pay for holiday work for employees on compressed work schedules.

610.408 Leave accrual for part-time employees.

Authority: 5 U.S.C. 6133(a).

Subpart D—Flexible and Compressed Work Schedules

§ 610.401 General.

This subpart contains regulatory requirements prescribed by the Office of Personnel Management to implement certain provisions of subchapter II of chapter 61 of title 5, United States Code. These regulations supplement that subchapter and must be read together with it.

§ 610.402 Coverage.

The regulations contained in this subpart apply only to flexible work schedules and compressed work schedules established under subchapter II of chapter 61 of title 5, United States Code.

§ 610.403 Definitions.

In this subpart "Agency" and "Employee" have the meaning given these terms in section 6121 of title 5, United States Code.

§ 610.404 Requirement for time-accounting method.

An agency that authorizes a flexible work schedule or a compressed work schedule under this subpart shall establish a time-accounting method that will provide affirmative evidence that each employee subject to the schedule has worked the proper number of hours in a biweekly pay period.

§ 610.405 Holiday for part-time employees on flexible work schedules.

If a part-time employee is relieved or prevented from working on a day within the employee's scheduled tour of duty that is designated as a holiday by Federal statute or Executive order, the employee is entitled to basic pay with respect to the holiday for the number of hours the employee is scheduled to work on that day, not to exceed 8 hours.

§ 610.406 Holiday for employees on compressed work schedules.

(a) If a full-time employee is relieved

or prevented from working on a day designated as a holiday by Federal statute or Executive order, the employee is entitled to basic pay for the number of hours of the compressed work schedule on that day.

(b) If a holiday occurs on a day within a part-time employee's scheduled tour of duty, the employee is entitled to basic pay with respect to that holiday for the number of hours the employee is schedule to work on that day.

§ 610.407 Premium pay for holiday work for employees on compressed work schedules.

An employee on a compressed schedule who performs work on a holiday is entitled to basic pay, plus premium pay at a rate equal to basic pay, for the work that is not in excess of the employee's compressed work schedule for that day. For hours worked on holiday in excess of the compressed work schedule, a full-time employee is entitled to overtime pay under applicable provisions of law and a part-time employee is entitled to straight time pay or overtime pay, depending on whether the excess hours are non-overtime hours or overtime hours.

§ 610.408 Leave accrual for part-time employees.

Under alternative work schedules, a part-time employee for whom there is established a biweekly work requirement is entitled to earn leave in accordance with § 630.303.

**PART 620—ALTERNATIVE WORK SCHEDULES EXPERIMENTS
[REMOVED]**

2. Part 620 is removed from 5 CFR.

PART 630—ABSENCE AND LEAVE

3. The introductory text to § 630.303 is revised to read as follows:

§ 630.303 Part-time employees; earnings.

A part-time employee for whom there has been established in advance a regular tour of duty on one or more days during each administrative work week, or a part-time employee for whom there has been established in advance a biweekly work requirement under an alternative work schedule, and an hourly employee in the field service of the U.S. Postal Service, earn annual leave as follows:

* * * * *

(5 U.S.C. 6133(a))

[FR Doc. 82-25640 Filed 9-16-82; 8:45 am]

BILLING CODE 6325-01-M



United States
Office of
Personnel
Management

Notice of Proposed Changes to Title 5 of the Code of Federal Regulations

The Office of Personnel Management has issued proposed regulations on Pub. L. 97-221, the Federal Employees Flexible and Compressed Work Schedules Act of 1982.

These regulations would implement alternative work schedules for Federal employees in Executive agencies, continuing for another 3 years schedules originally established under the 3-year experimental legislation, Pub. L. 95-390, the Federal Employees Flexible and Compressed Work Schedules Act of 1978.

You can review a copy of the complete text of the regulations in the room shown below. The U.S. Office of Personnel Management would like to hear any comments you may have. Please send them to arrive by the date shown below to the address indicated.

Location of complete text:		Send comments to:
		Craig B. Pettibone, Assistant Director for Pay and Benefits Policy
Notice expires:	Date comments to arrive:	P.O. Box 57, Compensation Group
	November 16, 1982	Office of Personnel Management
		Washington, D.C. 20044

The Director of the Office of Personnel Management (OPM) is required to take steps to ensure that OPM regulations which apply to individuals or organizations outside OPM are posted in Federal agencies maintaining copies of the Federal personnel regulations [5 USC 1103(b)(2)(A)]. This notice, which should be posted in a prominent place, carries out that regulation.